

1 GOLDSMITH & HULL, A P.C./ FILE #48627
2 William I. Goldsmith SBN 82183
3 Michael L. Goldsmith, SBN 291700
4 16933 Parthenia Street, Suite 110
5 Northridge, CA 91343
6 Tel. (818) 990-6600
7 Fax: (818) 990-6140
8 Govdept1@goldsmithcalaw.com

9
10 Attorneys for Plaintiff
11 United States of America

12
13
14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,

18 No. CV 01-07166-PA(SSx)

19 Plaintiff,

20 v.

21 RONALD A. LINCOLN, JR AKA
22 RONALD H. LINCOLN, JR AKA
23 ROANLD LINCOLN,

24
25 **CLERK'S NOTICE OF**
POSTJUDGMENT GARNISHMENT

26 Defendant.

27 HON. PERCY ANDERSON.

28 ////

////

////

////

////

////

////

////

////

////

1 TO RONALD A. LINCOLN, JR. AKA RONALD H. LINCOLN, JR AKA RONALD
2 LINCOLN:

3 You are hereby notified that the funds held by garnishee
4 **DASSEL'S PETROLEUM INC., ATTN.: PAYROLL DEPARTMENT** are being
5 taken by the United States of America (the Government), which
6 has a court judgment in the above-captioned case in the amount
7 of **\$11,254.95** plus daily interest. As of **April 18, 2017**, the
8 balance is **\$15,018.98 plus daily interest in the amount of**
9 **\$0.75.**

10 The Federal Debt Collection Procedures Act requires
11 the garnishee to file an Answer to the writ of garnishment.
12 28 U.S.C. § 3205(c)(4). The Answer is required to state whether
13 the garnishee has custody, control or possession of property
14 belonging to the judgment debtor, a description of the property
15 and a statement of its value, a description of any previous
16 garnishments of the property, and the amount that the garnishee
17 anticipates owing the judgment debtor in the future.

18 The Act further provides that within 20 days following the
19 receipt of the answer, either the United States or the judgment
20 debtor may file a written objection to the answer and a request
21 a hearing. The objection shall identify the party filing it and
22 shall state the grounds for the objection to the answer.

23 28 U.S.C. § 3205(c)(5). The court shall conduct a hearing on
24 the objection to the answer of the garnishee within 10 days
25 after service of the request, or as soon thereafter as
26 practicable. Id. Any objection to the answer filed by the
27 garnishee must be set forth in a pleading and filed by the
28

judgment debtor or the United States with the Clerk of the United States District Court.

If no objection to the answer of the garnishee is filed, and no request for a hearing is received by the court, the court shall promptly enter an order directing the garnishee as to the disposition of the debtor's nonexempt interest in the garnished property. If a hearing is timely requested, the order for disposition of the property shall be entered by the court within 5 days after the hearing, or as soon as practicable. 28 U.S.C. § 3205(c)(7).

In addition, YOU ARE HEREBY NOTIFIED that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of California.

You have a right to ask the Court to return your property to you if you think you do not owe the money to the government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

You must either mail your request for hearing, or deliver it in person, to the Clerk of the United States District Court at 312 North Spring Street, Los Angeles, California 90012. You must also send a copy of your request to Goldsmith & Hull, A P.C., 16933 Parthenia Street, Suite 110, Northridge, CA 91343, so the United States will know you want a hearing. **If you wish, you may use the attached form to request the hearing.**

1 The hearing will take place within 5 days after the Clerk
2 receives your request, if you ask for it to take place that
3 quickly, or as soon after that as possible.

4 At the hearing, you may explain to the judge why you
5 believe the property the Government has taken is exempt or if
6 you think you do not owe the money to the United States
7 Government that it says you do. If you do not request a hearing
8 within 20 days of receiving this notice, your property may be
9 sold at public auction with the proceeds applied toward the
10 money you owe the Government.

11 If you think you live outside the federal judicial district
12 in which the court is located, you may request, no later than 20
13 days after you receive this notice, that this proceeding to take
14 your property be transferred by the court to the federal
15 judicial district in which you reside. You must make your
16 request in writing, and either mail it or deliver it in person
17 to the Clerk of the Court at 312 North Spring Street, Los
18 Angeles, California 90012. **[You must also send a copy of your**
19 **request to Goldsmith & Hull, A P.C., 16933 Parthenia Street,**
20 **Suite 110, Northridge, CA 91343, so the Government will know you**
21 **want the proceeding to be transferred.]** Be sure to keep a copy
22 of this notice for your own records. If you have any questions
23 about your rights or about this procedure, you should contact a
24 lawyer, an officer of public legal assistance, or the Clerk of

25 //

26 //

27 //

1
2
3 the Court. The Clerk is not permitted to give legal advice, but
4 can refer you to other sources of information.

5 DATED: 5/8/2017



6 KIRY K. GRAY
7 CLERK, UNITED STATES DISTRICT COURT
8 *Margo Mead*
9 BY: DEPUTY CLERK

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:15-cv-07307-VAP-SS

Plaintiff,

5

HENRY LEYVA

Defendant.

REQUEST FOR HEARING RE
GARNISHMENT ON [GARNISHEE]

I do request a hearing because the property that the Government is taking is exempt, for the reasons checked on the Claim For Exemption Form attached to this request.

Defendant's Signature

Address: _____

Date:

Telephone No. _____
(Include Area Code)

RETURN THIS REQUEST TO:

SEND COPIES OF THIS REQUEST TO:

1 CLERK, U.S. DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 312 N. SPRING STREET, ROOM G-8
4 LOS ANGELES, CA 90012

GOLDSMITH & HULL, A P.C.
16933 PARTHENIA STREET, SUITE 110
NORTHridge, CA 91343

3 **NOTICE TO DEFENDANT DEBTOR ON**
4 **HOW TO CLAIM EXEMPTIONS**

5
6
7 The attached post-judgment process has been issued on request of
8 the United States of America.

9 The law provides that certain property and wages cannot be taken.
10 Such property is said to be exempted. This Notice lists the
11 exemptions under Federal law, as set forth in
12 18 U.S.C. § 3613(a). There is no exemption solely because you are
13 having difficulty paying your debts.

14 If you claim an exemption, you should (1) fill out the claim for
15 exemption form and (2) deliver or mail the form to the Clerk's Office
16 of the United States District Court, Central District of California
17 and counsel for the United States.

18 If the United States of America as creditor is asking that your
19 wages be withheld, the method of computing the amount of wages which
20 are exempt from garnishment by law is indicated on the Claim for
21 Exemption form which is attached. You do not need to file a claim for
22 exemption to receive this exemption, but if you believe the wrong
23 amount is being withheld, you may file a claim for exemption.

24 If the Court sets a hearing date, on the day of the hearing you
25 should be ready to explain why your property is exempted. You should
26 present to the Court any documents which may help you prove your case.

27 ///

111

///

CLAIM FOR EXEMPTION FORM

[18 U.S.C. § 3613]

I claim that the exemption(s) from garnishment and/or execution which are checked below apply in this case:

1. Wearing apparel and school books as are necessary for the taxpayer or for members of his family.

18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(1).

____ 2. Fuel, provisions, furniture and personal effects, and arms for personal use, livestock, and poultry of the taxpayer, as does not exceed \$6,250 in value.

18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(2).

____ 3. Books and tools necessary for the trade, business or profession of the taxpayer as do not exceed in the aggregate \$3,125 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(3).

_____ 4. Unemployment benefits. 18 U.S.C. § 3613(a)(1);
26 U.S.C. § 6334(a)(4).

_____ 5. Undelivered mail. 18 U.S.C. § 3613(a)(1);
26 U.S.C. § 6334(a)(5).

6. Annuity and pension payments under the Railroad Retirement Act, Railroad Unemployment Insurance Act, pension payments received by Medal of Honor awardees, and annuities based on retired or retainer pay under Chapter 73 of Title 10, 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(6).

1 ____ 7. Workmen's Compensation. 18 U.S.C. § 3613(a)(1);
2 26 U.S.C. § 6334(a)(7).

3 ____ 8. Child Support. If the taxpayer is required by
4 judgment of a court of competent jurisdiction, entered prior to
5 the date of levy, to contribute to the support of his minor
6 children, so much of his salary, wages, or other income as is
7 necessary to comply with such judgment. 18 U.S.C. § 3613(a)(1);
8 26 U.S.C. § 6334(a)(8).

9 ____ 9. Certain service-connected disability payments.
10 18 U.S.C. § 6334 (a)(10).

11 ____ 10. Assistance under Job Training Partnership Act
12 (29 U.S.C. §§ 1501 et. seq.) 18 U.S.C. § 3613(a)(1);
13 26 U.S.C. § 6334(a)(12).

14 ____ 11. Earnings and Wages. The maximum part of the
15 aggregate disposable earnings of the debtor which is subjected
16 to garnishment may not exceed 25% of the debtor's disposable
17 earnings for that work week or the amount by which the debtor's
18 disposable earnings for that week exceed 30 times the Federal
19 minimum hourly wage, whichever is less. 18 U.S.C. § 3613(a)(3);
20 15 U.S.C. § 1673.

21 The statements made in this claim of exemptions and fair
22 market value of the property designated are made and declared
23 under penalty of perjury that they are true and correct. I
24 hereby request a court hearing to decide the validity of my

25 ///

26 ///

27 ///

1 ///

2 ///

3 claims. Notice of the hearing should be given to me by mail at:

4 _____

5 _____

6 Telephone _____

7 _____

8 _____

9 [Debtor's printed or typed name]

10 [Signature]

11 _____

12 [Date]